

Applicant(s): M. Nakagawa
R. Esmailzadeh
Application No.: 10/567,602
Examiner: T. Pham

Remarks

Claims 3, 4, and 8 have been amended and are presented for the Examiner's review and consideration. Claims 1, 2, and 5-7 were cancelled in the previous Response. Claims 3 and 4 have been indicated as allowed by the Examiner. Applicants believe the claim amendments and the accompanying remarks herein serve to clarify the present invention and are independent of patentability. No new matter has been added.

Claim Amendments

Although the Examiner has allowed claims 3 and 4, a minor amendment has been made to correct a typographical error; deletion of the term "when" in line 8. Claim 8 has also been amended in a like manner.

35 U.S.C. §112, second paragraph Claim rejection

Claim 8 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner asserts, regarding claim 8, that it is unclear how "a first ad hoc terminal" recited in lines 28-29 relates to "the first ad hoc terminal" recited in line 33. It is unclear how "a first ad hoc terminal" recited in lines 28-29 relates to "radio communication apparatus" recited in line 33. Based on Figure 3 of the specification, three ad hoc terminals are included in the ad hoc network. According to the claim language, the first terminal is in communication with the base station (e.g. UE1 communicates directly with the base station by first path) and the radio communication apparatus communicates with the base station via the first ad hoc terminal (e.g. UE1 communicates with base station via UE2). The Examiner further asserts that the UE1 cannot be a first ad hoc terminal then later be a radio communication apparatus. The Examiner concludes that the terms "first ad hoc terminal" and "radio communication apparatus" are not used consistently in the claim.

Applicants respectfully disagree with the Examiner's assertions. For the reasons set forth

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below, Applicants respectfully submit that claim 8 distinctly claims the radio communications system of the invention.

The radio communications system of the invention includes an ad hoc network comprising several radio communications apparatuses such as mobile phones, personal computers, and/or PDAs. *See paragraph [0005] at page 3 and Figure 10 of the specification as originally filed.* These radio communications apparatuses can communicate with the base station and/or other radio communications apparatuses in the ad hoc network. *See paragraphs [0002] at page 1 and [0005] at page 3 of the specification as originally filed.* One of the other radio communications apparatuses within the ad hoc network includes a first ad hoc terminal, designated UE2, which performs radio communications with the base station. Another of the radio communication apparatuses includes a second ad hoc terminal, designated UE3, which communicates with the radio network controller equipment via a wired communication network such as a LAN. *See paragraph [0013] at page 7 of the specification as originally filed.* These concepts are illustrated in Figure 3. The ad hoc network includes three radio communications apparatuses; a PDA, a mobile phone, and a laptop computer. The PDA is designated UE1 and exemplifies the first-mentioned radio communications apparatus in claim 8 (line 4). The mobile phone is designated UE2 and exemplifies one of the other radio communications apparatuses recited in claim 8. Thus, UE2 would include a first ad hoc terminal. The laptop computer is designated UE3 and also exemplifies one of the other radio communications apparatuses recited in claim 8. Thus, UE3 would include a second ad hoc terminal. Therefore, a first ad hoc terminal is related to a radio communications apparatus in that it is a part of a radio communications apparatus. The first ad hoc terminal recited in line 33 of claim 8 is the same as that recited in lines 28-29. Furthermore, the claimed system effectively utilizes the resources of both the ad hoc network and the mobile communications network to increase the efficiency of the entire network. *See paragraph [0008] at page 5 of the specification as originally filed.* Thus, through the communication paths established by the claimed system, UE1 can communicate directly with the base station via the first path and can also communicate with the base station via the second path established by connection (of UE1) with UE2. *See paragraphs [0007] at page 4; [0032] at page*

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20; and Figure 3 of the specification as originally filed.

Thus, in light of the foregoing arguments, it can be seen that the radio communications system of the invention is distinctly claimed in claim 8. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 8 under 35 U.S.C. §112, second paragraph.

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Conclusion

In light of all of the foregoing remarks, this application is now in condition for allowance and early passage of this case to issue is respectfully requested. If any questions remain regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

A fee of \$60.00 (Small Entity) for a one month extension of time is believed to be due and is submitted herewith via credit card. However, please charge any other fee due or credit any overpayment to the Deposit Account of the undersigned, Deposit Account No. 500601 (Atty Dckt 7380-X07-007).

Respectfully submitted,
/Katharine F. Davis Wong/

Katharine F. Davis Wong, Reg. # 51,598
For Paul D. Bianco, Reg. # 43,500

Customer Number: 27317
FLEIT KAIN GIBBONS GUTMAN BONGINI & BIANCO, P.L.
21355 East Dixie Highway, Suite 115
Miami, Florida 33180
Tel: 305-830-2600; Fax: 305-830-2605